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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/520,405	03/08/2000	Michael G. Martinek	IGT1P369/SH-052	1300
22434	7590	09/13/2007	EXAMINER	
BEYER WEAVER LLP			LEIVA, FRANK M	
P.O. BOX 70250			ART UNIT	
OAKLAND, CA 94612-0250			PAPER NUMBER	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/520,405

Applicant(s)

MARTINEK ET AL.

Examiner

Frank M. Leiva

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 58-77 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 58-77 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 06/04/2007.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04 June 2007 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 58-77 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wells et al (US 6,805,634 B1), herein after Wells.**

4. **Regarding claims 58, 71, 76 & 77; Wells discloses:**

a. A computerized wagering game apparatus, comprising; a computerized game controller comprising a processor with a memory and an operating system stored in said memory, the controller further comprising a game state storage, a nonvolatile storage, the computerized game controller being operable to control a computerized wagering game, (4:49-65).

b. An operating system comprising an operating system kernel and a system handler application, the operating system kernel and system handler application operable to dynamically link with a plurality of gaming program shared objects and device handlers for the computerized wagering game at run time when the computerized wagering game is executed in a manner that allows the plurality of gaming program objects to call a set of common functions effectively provided by the system handler application when the system handler application is executed and load said gaming program shared objects and device handlers, (1:33-41), discloses to add new features, implementing new games... new software is transferred or "downloaded", and (4:8-21), more specific details.

c. The system handler application comprising an Application Program Interface comprising functions callable from the gaming program shared objects, the Application Program Interface comprising a plurality of gaming functions callable by and used by the plurality of the gaming program shared objects, (4:1-7).

d. The system handler application operable to; initiate execution of a computerized wagering game based on game data variables stored in the nonvolatile storage; write game data variables to at least one of the game state storage and nonvolatile storage when the computerized wagering game is executed; and load at least one of the plurality of the gaming program shared objects in response to a change in the stored game data variables by at least another one of the plurality of the gaming program shared objects, (1:16-29).

e. The game state storage including a look-up table for the data variables stored in the nonvolatile storage, (2:1-20), wherein it is well known to have look-up tables or menus in machines from well before the IGT GameKing product line circa 1996, for the purpose of selecting hardware and payable configurations.

5. **Regarding claims 59 & 73;** Wells discloses wherein the system handler application further comprises an event handler, (fig. 5).

6. **Regarding claim 60;** Wells discloses wherein the system handler application comprises software having the ability when executed to:

unload a previous gaming program shared object or device handler if a previous object or device handler has been loaded; load a new gaming program shared object or device handler; and execute the new gaming program shared object or device handler, (fig. 2 & description).

7. **Regarding claim 61;** Wells discloses wherein data variables modified by the gaming program shared objects are stored by the system handler application in the nonvolatile storage and a game state storage, and the system handler application functions to verify that the operating system or code for a shared object has not changed, (8:36-67), wherein the information is double checked by the system to be compatible and approved for the jurisdiction, and that if it is determined that the current version is correct, the download can be skipped.

8. **Regarding claim 62;** Wells discloses wherein the game state storage provides a variable name index to associated variable data locations within the nonvolatile storage, (8:36-67), program ids and CRC verification numbers.

9. **Regarding claims 63 & 72;** Wells discloses wherein changing a data variable in nonvolatile storage causes execution of a corresponding callback function in one of the gaming program shared objects of the system handler application. It is well known to create a reset subroutine to load all new data variables such as paytables and Jackpot Level changes into the proper register locations and restart game functions with new values.

10. **Regarding claim 64;** Wells discloses wherein the computerized game controller comprises an IBM PC-compatible computer. It is well known in the industry to use Intel processors in the machines MPU boards as part of modern gaming architecture and to improve communication with standard peripherals, Intel chip have been in use on IBM compatible machines since their conception.

11. **Regarding claim 65;** Wells discloses wherein the operating system kernel is a Linux operating system kernel. It is well known to use Linux operating system; the earliest this examiner recalls is the old Yahtzee and Battleship games by Mikohn/Sigma.

12. **Regarding claim 66;** Wells discloses wherein the Linux operating system kernel has at least one selected device handler disabled, whereas it is well known to have a list of device handlers or "drivers" for the same product and to disable all non-available devices during installation.

13. **Regarding claim 67;** Wells discloses wherein the at least one selected device handler that is disabled is selected from the group consisting of a keyboard handler, an I/O port handler, a network interface handler, a storage device controller handler, and a I/O device handler, as stated above for claim 66, it is well known to have a selection of possible I/O devices such as touchscreen drivers, bill validator drivers and printer drivers, and to disable all non-used equipment so that the operating system is not looking for them.

14. **Regarding claim 68;** Wells discloses wherein the system handler application and the operating system kernel work in communication to hash system handler application code and operating system kernel code, it is well known that the virtue of a network system is to allow communication across all systems if necessary.

15. **Regarding claim 69;** Wells discloses wherein the operating system is controlled by a general-purpose computer and the nonvolatile storage stores program variables, such that loss of power does not result in loss of the state of the computerized wagering game system, and the system handler application loads a first shared object and the first shared object calls up a gaming function from within an Application Program Interface, It is well known to use Intel processors which are general purpose computer processors in gaming machines, and to maintain EEPROM and battery backup systems to save game data in the event of power failure, a common occurrence in casino environments.

16. **Regarding claim 70;** Wells discloses wherein the system application handler loads and executes a single shared object at any one time, and wherein the system application handler shares data with at least one other shared object upon execution of the at least one other shared object, (fig. 2 & 4:8-21), whereas in fig. 2 it establishes that the system is in communication with one game at a time, col. 4:8-21 explains that the system is programmed to continue to the next game in the group that is in idle for a specific length of time.

17. **Regarding claim 74;** Wells discloses wherein the wagering game comprises a plurality of segments each comprising a gaming program shared object, wherein the system handler is operable to dynamically change the wagering game from one of the plurality of segments to another of the plurality of segments in response to the change in the stored game data variables. It is well known to create a reset subroutine to load all new data variables such as paytables and Jackpot Levels and number of reels and paylines changes into the proper register locations and restart game functions with new values, this of course changes the game segments.

18. **Regarding claim 75;** Wells discloses wherein the system handler is operable to dynamically change the segment of the wagering game in response to a change in at least one of the device handlers, (8:36-67), wherein the system automatically checks and verifies authentication and will replace the device handlers if necessary.

Response to Arguments

19. Applicant's arguments with respect to claims 58-77 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frank M. Leiva whose telephone number is (571) 272-2460. The examiner can normally be reached on M-Th 9:30am - 5:pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

FML

09/04/2007



Robert E Pezzuto

Supervisory Patent Examiner

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